



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

PROGRESS AND THE POST.

BY THE HON. DON M. DICKINSON, EX-POSTMASTER-GENERAL OF
THE UNITED STATES.

THE household, the farm, the shop, the office, the counting-house, the factory, and the mine, and all political, social, and economic relations of our people, have come to be so dependent upon certain, free, and quick communication that they must speedily demand of Congress two radical reforms in postal administration : the one, through a readjustment, if not a recreation, of the fundamental law of the post-office establishment, to suit the entire change in conditions since its organization, and to train into its proper orbit this enormous and unwieldy eccentric among American institutions ; the other, a revision of the patchwork of exigent legislation on the subject of carrying the mails, and a fuller exercise of the constitutional power of Congress, too long neglected, over the whole matter of the transportation and transmission of intelligence.

The postal service has long since outgrown the organic law of the establishment.

The scheme of a department as adopted by the fathers substantially followed the colonial plan as practised by Franklin, who, in the language of the act of Parliament creating the office of Postmaster-General for the colonies, which he held, was "to keep his chief letter office in New York, and other chief offices at some convenient place or places in other of Her Majesty's provinces and colonies in America." As late as 1836, when the business of the whole service in the United States had not reached, in gross receipts, a volume equal to that of the average wholesale New York merchant of to-day, the Congress considered the Postmaster-General as the chief postmaster in all the post-offices, and the officers corresponding to those now called postmasters as his "deputies."

At the time of the adoption of the Constitution the gross business did not equal forty thousand dollars, and when the department was organized the total expenditures were less than ninety thousand dollars per annum. The tradition is not beyond belief, therefore, that Benjamin Franklin in 1753, if not in 1775,* carried the entire general archives of this executive office in his hat or his breast-pocket; nor is it to be wondered at, considering the then conditions, the concentrated population, the small business, and the primitive methods of communication, that the founders of the government should have adopted the theory that the whole concern, in general and in detail, might be efficiently conducted by one man with a force of clerks. This is still the fundamental plan of the system, and it has become as unfitting as the swaddling-clothes of a babe to the form of a giant. Its misapplication to a growing service became apparent as early in 1814, when the House of Representatives appointed a committee "to inquire into the expediency of revising the laws regulating the general post-office establishment of the United States, and so amending them as to render them more conformable than they are at present to the principles of the Constitution."

At that time the gross revenue of the department had reached the sum of but seven hundred and thirty thousand dollars annually; there were two thousand six hundred and seventy-four post-offices, and forty-one thousand seven hundred and thirty-six miles of post routes. In view of the present conditions, when our leading offices in cities each transact from double to five times the entire postal business of the nation of that period; when there are sixty thousand postmasters, and one hundred and seventy thousand persons engaged in the service, and its cost is upwards of sixty-six millions; and in view of the fact that the law as then complained of still remains practically unchanged, the emphasis and vigor with which these figures are used to support the resolution make the debate upon it now read like a page from Gulliver.

The mover of the resolution declared that it was an alarming feature that during four several Presidential terms of office the number of the Postmaster-General's subalterns "have reached three thousand persons, who, under another head of this depart-

* Chosen Postmaster-General by the Continental Congress in 1775.

ment, and another order of things, might be planted as the worst emissaries for the worst purposes over the United States of America"; and that, if he did not abuse his place with this great power, it was a proof that the then Postmaster-General was a purer man than the speaker "ever knew or heard or read of." He pointed to the concentration of power in this one man as a great and dangerous evil, from which he apprehended that the time would come "when honorable Senators or other elevated men might be diverted, perverted possibly, from their duties by hopes allowed to be entertained that a postmaster may be prevailed on to translate them from their public places to others of less dignity, but more emolument," and that "unless some remedy be applied, and that without delay, we are in danger of a new order of Jesuits in this country, with an unlimited general at their head to dictate his orders, and enforce them under all the pains and penalties of removal from their deputations." He closed the debate with the demand that "the post-office establishment be put on the footing of all other departments of the general government." And in this he voiced a sentiment which the absolute need of the service, as well as the principles of a free government, must force upon the attention of a modern Congress. Eighteen years later, on the floor of the House, Edward Everett called marked attention "to the vast and expensive establishment the post-office has become," and presented what was evidently a startling array of figures of the cost of the service in these words :

"The expense at which it is supported for the year ending July, 1832, amounted to the large sum of two million two hundred and sixty-six thousand one hundred dollars, of which two million two hundred and fifty-eight thousand five hundred and seventy dollars were actually levied in the form of postage within the last year. The entire expense of the navy of the United States is but three million three hundred and seventy-nine thousand dollars, and that of the whole civil list, foreign intercourse, and miscellaneous department of the Government is but a trifle over three million."

And so on the floor of the Senate in the previous year, when post-office matters were under consideration, vigorous and warning comment was made by a Senator on "the immense influence of an army of dependents amounting to more than ten thousand men."

The attempt at revision amounted to nothing, and since the creation of the office of third assistant postmaster-general in 1836, who, with the first and second assistants, was, until 1853,

directly appointed by the Postmaster-General, and subject to removal by him,* there has been no distribution of powers or redistribution of functions from 1794 until the present time.

The whole body of statutes, following the old theory of organization, has provided and continues to provide, in terms, that the head of the department shall perform the functions necessary to the postal service, leaving the organization, and the assignment of parts and duties of all subalterns, to be fixed by his regulations and orders. Clerks have been added from time to time, who have no direct responsibility save to him, and it is even contemplated by Congress to supplement the present acreage of departmental buildings, in order to provide accommodations for an ever-increasing army of departmental employees; in persistent adherence to the primitive scheme, as clearly outgrown as population, material wealth, and all conditions of the current period have outgrown those of one hundred years ago. Could the men of 1814 and 1831-'32, instinct with the principle of local self-government, freshly endowed with its blessings, and alert to defend it from dangers, have foreseen the settlement of the country and the present proportions of the postal service, nothing could have withstood their determination to bring this governmental agency, now so nearly affecting every citizen, close to and in touch with the people.

The cost of the entire service in 1840 was about four millions and a half; less than one-eighth of what the head of the department now pays out on his contracts for the carrying of the domestic mails alone. In 1850 the gross expenditure was a little over five millions, or about equal to the present business of the New York city office. In 1860 it was a little over nineteen millions; in 1870, a little over twenty-three millions; in 1880, about thirty-six and a half millions; and for the year ending June 30, 1890, the estimate submitted to the Secretary of the Treasury places the expenditures at nearly sixty-seven millions. There are employed in the service more than one hundred and seventy thousand persons. At the close of this fiscal year there will be sixty thousand post-offices and postmasters. The cost of our service is about double that of Great Britain and France combined, exclus-

* The duties of these officials, although they now hold commissions of the President, by and with the advice and consent of the Senate, are still prescribed by the Postmaster-General.

ive of the cost of their telegraph service. It is twelve to fifteen millions of dollars in excess of that of the German Empire, including the cost of their telegraph service. We handle more than double the pieces of mail matter of Germany and France combined, and over a million and a quarter of pieces more than Great Britain. For the year ending June 30, 1888, not including carrier routes in cities, the length of the mail routes in the United States was four hundred and three thousand nine hundred and seventy-six miles, while those of Germany were eighty-six thousand miles, of Great Britain, forty-five thousand miles, and of France, sixty-six thousand miles. For the same period our mail transportation service covered upwards of two hundred and eighty-seven millions of miles.

The money-order system did not go into operation until November 1, 1864, and the balance-sheet of the business done by this division of the department shows a total business of disbursements and receipts for the year 1888 of nearly two hundred and sixty-five million dollars. Postage-stamps were first used under the act of March, 1847, and stamped envelopes in 1853. In 1888 the department issued nearly two billions of stamps and nearly five hundred million stamped envelopes. Postal-cards were not issued until May 1, 1873, and in 1888 there were issued by the department about four hundred millions. The first of the registry system was July 1, 1855, and in 1888 there were registered about fourteen million pieces of matter. Free delivery service was established July 1, 1863, and the appropriation by Congress to defray its cost for the present fiscal year is eight million dollars.

These are but a few of the general heads of greater magnitude in the affairs of this branch of the government, the details of all the annual transactions of which, in the most concise form, now require, in the report to Congress, an 8vo volume of one thousand pages.

The business has to do with every city, village, hamlet, and home in the land; the field of its performance is our vast territory between the two oceans, populated everywhere. No agency of government, State, national, or municipal, so touches the individual citizen in domestic affairs and in his going and in his coming. He depends upon it for public intelligence and for private information; in his home life and in his vocations. As there are varieties in customs, business, habits,

and occupations in a nation of widely-separated communities,—a truth at the foundation of American free government,—so the wants of our people as to the transmission and delivery of intelligence are in like manner diversified. It is an essential element in the principle of home rule, as applied here, that such agencies of the government as have most directly to do with the every-day affairs of men should be placed nearest the people as they live and move at home. This consummation is more readily attained, when practicable, by choosing the agent, or public functionary, from among the people to be served; but this is only an aid in reaching the object, which is satisfied when power is quickly receptive of knowledge of wants and of wrongs, and fully equipped promptly to supply the one and remedy the other. Although the other departments of the government in the country at large have more to do with special classes than with the people generally, yet in every case where their business touches the people of localities, they have their divisions of territory, with chiefs clothed with ample power, in the first instance, and in all details, to exercise their respective functions of administration. The Treasury has its customs collector, its district internal-revenue officers, and its sub-treasurers; the Land Office its district officers; the Pension Office its pension agents; the Indian Office its Indian agents; the Department of Justice, its district attorneys and marshals, and the War Office its department commanders.

In the postal service alone is there no one, save the Postmaster-General in his chief office at Washington, in general authority anywhere throughout the wide territory and the different divisions of the service. We have the local postmaster, but his power ceases when he has performed his function of receiving and distributing the mails. He is responsible to and reports directly to the Postmaster-General at Washington. He cannot remove a letter-carrier without the sanction of that officer. He can remedy no failure of transmission, nor can he expedite it. There are superintendents of divisions in the railway mail service, but they have only to do with the transportation of the mail under contracts and regulations made by the Postmaster-General. They can add no new route and can expedite no service. The postmaster is independent of these superintendents, and they of him. All complaints of service must go

through the department at Washington for remedy. In practice, the Postmaster-General gains information as to the needs or the wrongs of a section of country by sending out one of his force of inspectors under the direction of the chief inspector, who is at Washington, and when that officer has time to report to his chief, and his chief to the Postmaster-General, the question of what to do may be determined. There is no lodgment of original and general power near the people served, and, of course, no responsibility to the people save from the Postmaster-General through the Chief Executive.

The Postmaster-General has the power of appointment and removal of all postmasters, except in the Presidential offices, which number less than one-twentieth of the sixty thousand. He establishes new post-offices when and where he sees fit, and appoints whomever he pleases as their postmasters. For offices of the first, second, and third classes, except in a very few cases where there are government buildings, he leases buildings. In a great majority of towns the post-office is in the centre of business, and a change of the office affects real-estate values, and may retard the prosperity of the town, and occasion the citizens great inconvenience. In these and a thousand other matters throughout the country action is taken without the possibility of a personal examination by the only official having the power to act.

What is demanded, and what must speedily come, is a distribution of the powers and responsibilities of the post-office establishment. A former head of the department, who was distinguished alike for his able administration and for patient and enlightened study of the whole subject of postal affairs, once suggested that there should be a postmaster-general in each State. A properly reorganized system will be one of territorial divisions, and their number and extent may be adjusted by a value standard of the business transacted from year to year; on the heads of these, who should have their offices and reside in their respective districts, should be conferred the powers and laid the responsibilities at present reposed in the Postmaster-General, save such as relate to the more universal interests of the country; and these should be defined in general and reserved in express terms to the central office at Washington.

The Postmaster-General should be permitted to devote his entire time and all his ability to shaping policies, improving

systems, attending Congress with intelligent aid, exercising a general supervision over division chiefs, providing for the transportation of the great through mails, and in negotiating conventions and regulating our large and increasing postal business with other nations.

The other chief reform to which I have referred relates to the laws providing for carrying the mails and to the proper exercise by Congress of its power to establish and control post-roads. It goes without saying that railroad transportation has come to be a necessity in the mail service for which there is no possible substitute. There is absolute dependence upon this method as certainly as if there never had been any other. All relations, commercial or otherwise, are adjusted to modern and rapid methods of communication; yet the important branch of the government to which the administration of postal affairs is committed has no power whatever to serve this need, except by contract. It is clothed with no more authority in the premises than any private individual—*i. e.*, a right to contract if the other party will agree, and even after contract its power extends no farther than to withhold compensation in case of failure to perform by the carrier. It is a startling proposition that the only alternative method provided, in case any great trunk line should refuse to renew its contract for carriage, is that set out in the act of Congress, hereafter quoted, which authorizes the Postmaster-General in such case to send forward the mails “by horse-express, or otherwise”!

Existing legislation, adequate in the days of the stage-coach, the runner, and the road-wagon, when on the failure of a contractor the government itself was equipped and ready to operate its own post-roads, is entirely inadequate to deal with these modern methods; for this the government can command no substitute and no equipment, even were it practicable to move the mails independently over rails in constant use for other business, having no control of facilities, such as the telegraph, signal stations, switches, and like safeguards.

In respect of the absence of authority in the postal administration over railroads, to enforce the carriage of mails and for discipline, our law differs from that of every other civilized nation. It is true that Congress has provided that “all railroads and all parts of railroads which are now and hereafter may be in operation shall be post-roads.” This is construed, however, as an

act merely to enable the Postmaster-General to make contracts for carriage on those roads; for, strange to say, about the only function not conferred on that officer in connection with the service was the establishment of post routes. This was reserved to Congress. The highest judicial authority has construed the act just quoted as not conferring authority over the roads, so that it must be taken as a truth, however unpalatable, that the transmission of every mail in the United States, if we doubtfully except the Pacific land-grant roads, is subject to the will or caprice of the carrier, and not to the authority of the government.

In this state of things Section 3999 of the Revised Statutes provides the only remedy, which is as follows :

"If the Postmaster-General is unable to contract for carrying the mail on any railway route at a compensation not exceeding the maximum rates herein provided or for what he may deem reasonable and fair compensation, he may separate the letter mail from the other mail, and contract, either with or without advertising, for carrying such letter mail by horse-express. or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons, or otherwise, at a slower rate of speed."

The Postmaster-General will have exhausted his resources when he shall have gone to the limit of the power conferred by this act.

But what is far more necessary even than revision and amendment in this regard is the application of governmental authority and summary methods in dealing with railroads under contract. As the law stands, there is no method to compel the keeping of a contract on the part of a railroad company save the power to fine and deduct, which is always limited by the compensation earned. An examination of the penalties provided for delays, and for failures, for neglects, and even for unexcused failures to perform service, will show that they can in no case exceed what may be in the hands of the government, or what may come into its hands from contract earnings of the offender or defaulter. In the present condition of legislation, then, any company now carrying the mails may refuse to continue its contract and may stop the mails on any great trunk line with impunity.

The following is the provision under which fines and deductions can be made in such cases :

"The Postmaster-General may make deductions from the pay of contractors for failures to perform service according to contract, and impose fines upon them for other delinquencies. He may deduct the price of a trip in all cases where the trip is not performed; and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier."

It will be observed that while the language might seem to authorize unlimited imposition of fines, yet no provision is made anywhere for the enforcement of the penalty, save from the fund going to the contractor.

In dealing with this branch of the subject it is unnecessary to illustrate the defects in the law by incidents in the experience of the department. It seems to be enough for the purpose to point out the condition of legislation. It is proper, indeed, to state that, with rare exceptions, there has been cordial coöperation on the part of the roads of the country to give good and efficient service; but the department should not, in its dealings, be in a position where it must avoid issues as to its authority, and where, in case of extremity, its only resource—as was the case in one instance in my own administration—is to risk the assertion and exercise of a doubtful power, and an appeal to public sentiment.

It will not do to say, even if it were true, that the conduct of the railroad companies is so good that such legislation is not needed. The position is as indefensible as that of the Anarchist who claims that we need no law. It is the moral force of the existence of law which is effective for the preservation of order, rather than its application and execution.

There is no subject of such vital importance to an efficient postal administration, and, if the defect cannot be cured, there is no graver error in our system. Doubtless the impression is common, and has stood in the way of a remedy, that the needed legislation is beyond the constitutional power of Congress. This impression is erroneous, and on this subject the learning is both copious and authoritative. In favor of the power we find the liberal and the strict constructionist in harmony, and I have been unable to discover any recorded judgment, judicial or political, holding that Congress had not the power here contended for, under the following clause of the Constitution :

“The Congress shall have power to establish post-offices and post-roads; . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States, or in any department or officer.” (Art. I., Sec. 8.)

Mr. Justice Field, in delivering the opinion of the Supreme Court of the United States in *Ex parte Jackson* (96 U. S., pp. 727-732), says :

“The power vested in Congress to establish post-offices and post-roads has been practically construed since the foundation of the government to authorize, not

merely the designation of the routes over which the mails shall be carried, and the offices where letters and other documents shall be received to be distributed or forwarded, but the carriage of the mail and all measures necessary to secure its safe and speedy transit and prompt delivery of its contents. . . . The power possessed by Congress embraces the regulation of the entire postal system of the country."

Mr. Chief-Justice Waite, in the case of the Pensacola Telegraph Company *vs.* West (96 U. S., p. 9), used this language :

"Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operations, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with his rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph,* as these new agencies are successively brought into use to meet the demands of increasing population and wealth; and they were intended for the government of the business to which they relate at all times and under all circumstances."

The power extends to authorizing what in the judgment of Congress may be necessary measures to secure the object for which the power was conferred. Competition is not permitted because it would tend to cripple the government and take the care of the mails out of its hands. The right to assume exclusive control and direction implies and demands, as necessary incidents, the right to protect the government from rivalry in this business and from being subject to the caprice or extortion of these government carriers enjoying the benefits and protection of the laws. Such a power would be of little avail if it were not coupled with the prerogative to fix the rates which the government would pay for carriage and to require and compel the service of such common carriers as are within the range of the sovereign power of control and regulation.

In the debates in Congress in 1862-'64, which arose upon the passage of the compulsory law of 1864 for ocean carriage, there is not one word of doubt as to the constitutionality of such a measure. Senator Collamer, who was eminent as a lawyer as well as a statesman and an ex-Postmaster-General familiar with the principles on which all postal legislation rests, said : "The committee saw no other way to secure it [the carriage of mails to California] but by providing that, if American ships will not take the mails at the price which the law fixes, . . . they shall have no clear-

* Congress has not yet made telegraph lines post routes, though the power to do so is clear.

ance." Senator Sumner spoke of the measure as one in which Congress ought to act "as a provision to enable the Postmaster-General to carry the mail and as one necessary to meet the emergency of the public service."

Congress, of course, possesses the entire and exclusive power to legislate on this question, and the interpretation has never been doubted that, under the power "to establish post-roads," Congress could, if necessary, invoke the power of eminent domain to lay out and construct necessary roads where none exist. In the words of Judge Story,

"The whole practical course of the government upon this subject from its first organization down to the present time, under every administration, has repudiated the narrow construction of the words above mentioned [*i.e.*, 'to establish post-offices and post-roads']. The power to establish post-offices and post-roads has never been understood to include no more than the power to point out and designate post-offices and post-roads. Resort has been constantly had to the more expanded sense of 'establish,' and no other sense can include the object which the post-office laws have constantly included." (Story on the Constitution, sec. 1136.)

"The clear import of the word [establish] is to create and form and regulate. To establish rules of naturalization is to form and confirm such rules. To establish laws on the subject of bankruptcy is to form, fix, and pass them. To establish the Constitution is to make, fix, and erect it as a permanent form of government. In the same manner, to establish post-offices and post-roads is to frame and pass laws, and erect, form, regulate, and preserve them. Whatever is necessary, whatever is appropriate, to this purpose is within the power." (*Id.* sec. 1131, vol. 2, p. 67.)

It is well settled that the power to fix the prices which common carriers may charge for the transportation of freight or passengers resides in the proper sovereignty. The principle which is applicable is that where private property is affected by the public interest it ceases to be *juris privati* only. Property does not become clothed with a public interest when used in a manner to be of public consequence and affecting the community at large. When one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good to the extent of the interest he has thus created.

As stated by the Supreme Court in the case of *Steam Navigation Company vs. Merchants' Bank* (7 Howard, p. 332),

"The common carrier, in the exercise of a sort of public office, has public duties to perform from which he should not be permitted to exonerate himself without the consent of the parties concerned. He is bound to receive and carry all goods offered for transportation, subject to all the responsibilities incident to his employment."

"They [common carriers] are incorporated as such and given individual powers in order that they may better serve the public in that capacity. They are, therefore, engaged in a public employment affecting the public interest and subject to legisla-

tive control as to their rates of fare and freight." (Chicago, Burlington and Quincy Railroad vs. Iowa, 94 U. S., p. 161.)

"Where property has been clothed with a public interest, legislation may fix a limit to that which, in law, shall be reasonable for its use. This limit binds the courts as well as the people, and if it has not been properly fixed, the legislature, not the courts, must be applied to for the change." (Peck vs. Railroad, 94 U. S., p. 178.)

When we consider that no new legislation can be had as to the carriage of the mails except by Congress, and that Congress represents the sovereignty having exclusive control over the subject, it follows that, as to railroads or other carriers, it may provide for the certain, speedy, and prompt delivery of that species of freight which is defined to be mail matter, and that the power of restriction as to the rate to be paid for handling and delivery is a necessary incident to the effective exercise of the power.

It has been suggested that, as to some railway corporations created by State legislatures, there is no power to interfere with their rates and charges because their charters are in the nature of contracts under the doctrine of the Dartmouth-College case. A complete answer to this suggestion is that no State by the granting of a franchise can interfere with the powers granted to the Federal Government and not reserved to the States under the Constitution. Every charter must be accepted by a corporation with the implied, if not expressed, condition that it is accepted subject to the laws of the United States relating to those matters over which the Federal Government has exclusive jurisdiction. As stated in the case of *Sinnott et al. vs. Davenport* (22 Howard, p. 242),

"The appropriate application of that part of the clause which confers the same supremacy on laws and treaties is to such acts of the State legislatures as do not transcend their powers, but, though enacted in the execution of acknowledged State powers, interfere with or are contrary to the laws of Congress, made in pursuance of the Constitution. . . . In every such case the act of Congress or treaty is supreme, and the law of the State, though enacted in the exercise of powers not controverted, must yield to it."

Thus the power of the government to tax corporations has never been called in question. And such rates as are fixed by the State authority are subject to the regulation of inter-State commerce under the constitutional power conferred upon Congress to regulate commerce.

The constitutional grant of power to Congress on this subject is, if anything, in stronger terms than that which confers the prerogative to "regulate commerce," and it furnishes an analogy in

construction. Said Chief-Justice Marshall, in the leading case of *Gibbons vs. Ogden* (9 Wheaton, 103):

“It is the power to regulate ; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in the Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.”

Following that exposition, in the case of *Mobile vs. Kimball* (102 U. S.), the Supreme Court uses the following emphatic language :

“That power is in the Congress without limitations. It authorizes Congress to prescribe the conditions upon which commerce in all its forms shall be conducted between our citizens and the citizens of other countries, and between citizens of the several States, and to adopt measures to promote its growth and insure its safety.”

With the prerogative and duty to legislate clearly apparent, it may still require a few more striking illustrations of the fact that the railroad carrier, and not the Government, is master of the situation, to transform the suggestion for revision, frequently presented to Congress, into an imperative demand from the source of power.

DON M. DICKINSON.